

REMARKS

Pursuant to the above-noted Office Action, the drawings were objected to for not depicting the telescoping member claimed in claims 11-13. The disclosure was objected to because the telescoping member as referenced in claims 11-13 was not designated, in the specification, by a reference numeral or character. Claims 9-20 were objected to for including certain informalities. Claims 11-13 were rejected under 35 U.S.C. 112, first paragraph, again because the drawings do not depict the telescoping member. Claims 1-3, 5, 6, and 8-20 were rejected under 35 U.S.C. 112, second paragraph for various specified informalities. Claims 1-3, 5, 8-12, 14, 16, and 17 were rejected under 35 U.S.C. 102(b) given Bayer (German OS No. 31 40329 A1) ("Bayer"). Claims 1, 2, 5, 6, 8, 10, 14, and 16-20 were rejected under 35 U.S.C. 102(b) given Wolpert (German Patent No. DE 107 06 692 C1) ("Wolpert"). These objections and rejections are respectfully traversed and reconsideration is hereby respectfully requested.

The drawings, specification, and claims have been objected to because the drawings do not depict the telescoping member specifically described by the applicant in the specification. Submitted herewith is a Figure 3 for entry in this application. The specification already provided sufficient basis for this drawing. In particular, the specification already taught that the flexible element already depicted in the figures could be a "rigid telescoping element" instead of a steel cable or other flexible element. The specification also specifically taught that this telescoping element could be "pivotally joined to the respective arms at both ends." The originally submitted specification, as per the originally presented claims, also taught that, at least one of the ends of the rigid telescoping element could be welded to one of the respective arms. Newly submitted Figure 3 comports exactly with these descriptions and further does not otherwise deviate from the teachings of the drawings as already submitted. The applicant therefore respectfully submits that no new matter has been presented. The applicant also takes this opportunity to note that the specification is being amended as per this response to include references to the appropriate corresponding reference numerals as regards the rigid telescoping element and to also provide specific antecedent basis in the specification for the previously submitted claim language regarding welding of the rigid telescoping element instead of pivotally joining as an

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affixment technique. Again, full support exists in the complete specification, including the claims, as originally filed and hence no new matter has been entered. The applicant respectfully submits that the specification and the drawings are now in suitable condition to support allowance of the claims.

Claims 9-20 were objected to as containing various informalities. These informalities have been corrected as per this amendment.

Claims 1-3, 5, 6, and 8-20 were rejected under 35 U.S.C. 112, second paragraph. In claims 1 and 20, the Examiner argues that there is no antecedent basis for the terms “the respective arms” and “the two arms.” Per this amendment, the applicant has withdrawn the reference to “respective arms” and “the two arms” and substituted therefore specific references to the pedal arm and the lever. In claim 1, the Examiner noted a potentially confusing reference to “an element” in the expression “fixed to an element spaced from the support.” The applicant notes that the expression in question in fact adds nothing in particular of value to the claim. Therefore, the applicant has addressed this concern by striking the expression in question. In claim 18, the Examiner expressed concern regarding the term “connectable.” Pursuant to this response, the applicant has exchanged the word “connected” for the identified term. There being no other objections to or rejections of the claims with respect to 35 U.S.C. 112, the applicant respectfully submits that these claims are in suitable condition to support allowance.

Claims 1-3, 5, 8-12, 14, 16 and 17 were rejected under 35 U.S.C. 102(b) given Bayer. Although Bayer appears to suggest use of a wire (10) to connect a brake pedal arm to an actuator lever, Bayer appears to provide this teaching in a specific context. That is, there is a considerable distance between the brake pedal arm and the actuator arm. In fact, while the brake pedal arm resides within the vehicle cab, the actuator arm and the majority of the wire are external to the vehicle cab. Such an arrangement does not pose the same risks and issues that the applicant seeks to address. Similarly, Bayer teaches one skilled in the art only that a wire can be utilized to couple a brake pedal arm and actuator arm that reside on different sides of a vehicle cab wall and that are separated by a considerable distance.

Conversely, the applicants address a concern that arises when these various mechanisms are in relatively close proximity to one another and are both found within the vehicle cab. Bayer's teachings are not applicable to such a context without reliance upon a degree of creativity that renders an extrapolation of Bayer's teachings non-obvious. The applicant has revised claim 1 to refer to a "motion-transmitting element disposed wholly within the cab" to address this point of distinction. A similar change has been made with respect to independent claims 8 and 18. The applicant respectfully submits that these claims are therefore not anticipated by the Bayer reference and are allowable thereover.

Claims 1, 2, 5, 6, 8, 10, 14, and 16-20 are rejected under 35 U.S.C. 102(b) given Wolpert. Wolpert teaches the use of a rigid transmitting rod (14) to couple a brake pedal arm to an actuator lever. The Examiner argues that such a rod will in fact become shortened when sufficient compressive force is exerted thereon and that such a phenomenon will meet the limitations of the claims. With all due respect, the applicant notes that there are considerable differences between shortening a motion-transmitting element such as a cable or telescoping rod as compared to essentially crushing a rigid member. For example, one can readily return the applicant's motion-transmitting element to a non-shortened state with little effort or force. In contrast, crushing or bending a rigid member will yield a shortened element that can only be returned to its original length by exertion of an equal or greater force as was used to crush or bend it. The applicant has addressed this difference by specifically indicating that the shortening of the motion-transmitting element occurs non-fixedly. That is to say, unlike a fixed resultant shortening that occurs when compressing or bending a rigid rod, the applicant's element is non-fixedly shortened when a compressive force is applied to it such that it can be readily returned to its ordinary length. The applicant therefore respectfully submits that the claims, as amended, are not anticipated by Wolpert and that these claims may be passed to

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allowance. There being no other objections to or rejections of the application, the applicant respectfully submits that this application may be passed to allowance.

Respectfully submitted,

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